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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,214	12/27/2000	Keiichi Yamada	450100-02919	5292

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EXAMINER

AZAD, ABUL K

ART UNIT PAPER NUMBER

2654

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/749,214

**Applicant(s)**

YAMADA ET AL.

**Examiner**

ABUL K. AZAD

**Art Unit**

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-12 are pending in this Office Action.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The references cited in the Information Disclosure Statement, PTO-1449, Paper No. 3, have been considered.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5, 7-9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (DE 197 53 454) submitted by applicant.

Regarding claim 1, Lee teaches, "a synchronization control apparatus for synchronizing the output of a voice signal and the operation of a movable portion", comprising:

“phoneme-information generating means for generating phoneme information formed of a plurality of phonemes by using language information” (Fig. 1, element 12, Language processor);

“calculation means for calculating a phoneme continuation duration according to the phoneme information generated by the phoneme-information generating means” (see translation in Pat. 6,088,673, col. 6, lines 20-52);

“computing means for computing the operation period of the movable portion according to the phoneme information generated by the phoneme-information generating means” (see Pat. 6,088,673, col. 6, lines 53-65);

“adjusting means for adjusting the phoneme continuation duration calculated by the calculation means and the operation period computed by the computing means” (Fig. 1, element 14 synchronization adjuster);

“synthesized-voice-information generating means for generating synthesized-voice information according to the phoneme continuation duration adjusted by the adjusting means”(Fig. 1, element 15, signal processor and synthesized speech);

“synthesizing means for synthesizing the voice signal according to the synthesized-voice information generated by the synthesized-voice-information generating means” (Fig. 1, element 16, synthesize unit database); and

“operation control means for controlling the operation of the movable portion according to the operation period adjusted by the adjusting means” (Fig. 1, element 11, Multimedia distributor of each media).

Regarding claims 11 and 12, they are interpreted and thus rejected for the same reasons set forth in the rejection of claim 1.

As per claim 3, Lee teaches, "wherein the adjusting means performs adjustment by synchronizing at least one of the start timing and the end timing, of the phoneme continuation duration and the operation period corresponding to any of the phonemes" (see Pat. 6,088,673, col. 6, lines 20-53).

Regarding claim 4, Lee teaches, "wherein the adjusting means performs adjustment by substituting one of the phoneme continuation duration and the operation period corresponding to all of the phonemes, for the other" (see Pat. 6,088,673, col. 7, lines 3-10).

Regarding claim 5, Lee teaches, "wherein the adjusting means performs adjustment by synchronizing at least one of the start timing and the end timing, of the phoneme continuation duration and the operation period corresponding to each of the phonemes, and by placing no-process periods at lacking intervals" (see Pat. 6,088,673, col. 7, lines 3-10).

Regarding claim 7, Lee teaches, "wherein the operation control means controls the operation of the movable portion which imitates the operation of an organ of articulation of an animal" (Fig. 1, element 17).

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Regarding claim 8, Lee teaches, "detection means for detecting an external force operation applied to the movable portion" (See Pat. 6,088,673, col. 6, lines 53-65).

Regarding claim 9, Lee teaches, "wherein at least one of the synthesizing means and the operation control means changes a process currently being executed, in response to a detection result obtained by the detection means" (see Pat. 6,088,673, col. 7, lines 3-10).

***Allowable Subject Matter***

6. Claims 2, 6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

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Any response to this action should be mailed to:

**Commissioner for Patents**

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Or faxed to:

**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington,  
VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should  
be directed to the Technology Center's Customer Service Office at telephone number  
**(703) 306-0377.**

  
Abul K. Azad

March 21, 2004